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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,704	06/23/2003	Kohei Koshida	01306.000098	5743
5514	7590	10/04/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			GLEITZ, RYAN M	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/600,704

Applicant(s)

KOSHIDA, KOHEI

Examiner

Ryan Gleitz

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/22/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

Figure 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: Japanese Patent Application Publication JP-A-2000-6583 cited by the Specification (page 3, line 20) was not listed on an information disclosure statement. The document cannot be found using PTO databases or the JPO website. Applicant is required to submit a copy of the document with an information disclosure statement or remove the listing from the Specification.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Motohashi (JP 07-325444).

Motohashi discloses an image forming apparatus comprising: an image carrier (11); an intermediate transfer body (14) to which the image on the image carrier is transferred; transfer material conveying means, for example roller (17a, fig. 1), for conveying a transfer material along a conveyance route; transfer means (14d); and a delivery portion, roller (23) for delivering the transfer material on which the image is transferred.

Cover (45) is a first openable portion openable with respect to an apparatus body, holding the intermediate transfer body (41) and the delivery portion (23). Cover (55) is a second openable portion openable of the conveyance route, wherein the first and second openable portions are open and closed independently from each other.

Regarding claim 2, the first openable portion (45) is openable around a first rotary shaft (31) as a center, wherein the second openable portion (55) is openable around a second rotary shaft (41) as a center, and wherein the first rotary shaft (31) and the second rotary shaft (41) are disposed as to extend substantially parallel to a transfer material conveyance surface and substantially perpendicular to a conveyance direction of the transfer material.

Regarding claim 4, the intermediate transfer body (41), the delivery portion (23), and the first openable portion (45) are structured in a united body.

Regarding claim 5, a holding unit (50; fig. 4) for holding the image carrier, the holding unit (30) being detachable to the apparatus body upon opening the first openable portion (45).

Claims 1-3 and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Haneda et al. (US 5,140,369).

Haneda et al. disclose an image forming apparatus comprising: an image carrier as the laser beam in unit (17); an intermediate transfer body (1) to which the image on the image carrier is transferred; transfer material conveying means, for example roller (17), for conveying a transfer material along a conveyance route; transfer means (12); and a delivery portion (20) for delivering the transfer material on which the image is transferred.

Figure 16 shows a first openable portion, on the top of the apparatus, openable with respect to an apparatus body. Figure 10 shows the openable portion holding the intermediate transfer body (1) in the apparatus. Delivery portion (20) is part of the first openable portion.

Side cover (161) is a second openable portion openable of the conveyance route, wherein the first and second openable portions are open and closed independently from each other.

Regarding claim 2, the first openable portion is openable around a first rotary shaft (160) as a center, wherein the second openable portion (161) is openable around a second rotary shaft (161a) as a center, and wherein the first rotary shaft (160) and the second rotary shaft (161a) are disposed as to extend substantially parallel to a transfer material conveyance surface and substantially perpendicular to a conveyance direction of the transfer material.

Regarding claim 3, the first rotary shaft (160) and the second rotary shaft (161a) are disposed at positions that the first openable portion and the second openable portion are opened as moving away from each other, as shown in figure 16.

Regarding claim 6, cartridge (30) is a holding unit detachable in a vertical direction as of an apparatus installation time, as shown in figure 13.

Regarding claim 7, the transfer means (12) has a transfer member in contact with the intermediate transfer body (1) and wherein the transfer member is held to the second openable portion (161).

Regarding claim 8, figure 16 shows that the transfer material conveying means has at least a pair of roller members, wherein one roller member is held to the apparatus body, and wherein the other roller member (17) is held to the second openable portion (161).

Regarding claim 9, a fixing means (18) is held to the second openable portion (161) for fixing the image transferred from the intermediate transfer body to the transfer material.

Regarding claim 10, a fixing means (roller opposite roller (18), no reference numeral assigned) is held to the first openable portion for fixing the image transferred from the intermediate transfer body to the transfer material.

#### ***Other Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miyashiro et al. (US 5,517,281) disclose first and second openable members and an intermediate transfer member supported and moved by the first openable member.

Sawada et al. (US 5,587,769) disclose first and second openable members and an intermediate transfer member supported and moved away from the apparatus by the first openable member.

Fukunaga et al. (US 5,742,319) disclose first and second openable members and a transfer member supported and moved away from the apparatus by the first openable member.

Katakabe et al. (US 6,397,016) disclose first and second openable members a holding member removed vertically, and a transfer member held by the first openable member.

Nakamura et al. (JP 2001-209229) disclose first and second openable members and a intermediate transfer member held by the first openable member.

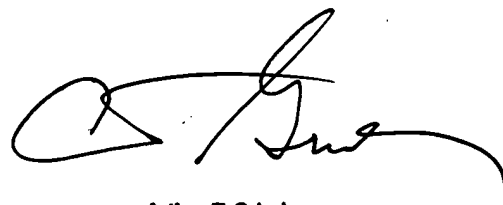
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Gleitz whose telephone number is (571) 272-2134. The examiner can normally be reached on Monday-Friday between 9:00AM and 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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